

Document 1

Cody, Karen

From: Marraccini, Davina
Sent: Friday, June 9, 2017 8:45 AM
To: Hall, Renea
Subject: RE: Status of response: Press on Gen X

Thanks for the update, Renea.

From: Hall, Renea
Sent: Thursday, June 08, 2017 5:36 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: Fw: Status of response: Press on Gen X

Davina,

I'm unsure if you received this update but I'm still awaiting the Consent Order referenced in your email. Once reviewed, I'll let you know if I have anything further.

From: Hall, Renea
Sent: Thursday, June 8, 2017 4:20 PM
To: Campbell-Dunbar, Shawneille; Allenbach, Becky
Cc: Elliott, Richard
Subject: Status of response: Press on Gen X

At the present moment, we aren't in much of a position to respond from a regional perspective for the following reasons:

- GenX is unregulated and testing is still ongoing.
- Any calls regarding the health consequences can't be answered at the regional level.
- The studies conducted by Andy Lindstrom and Mark Strynar confirm that GenX is present in the Cape Fear watershed downstream of the Dupont plant. These results are also outside of our purview.

I decided to reach out to find out more about the referenced "Consent Order" in Davina's earlier email. Linda forwarded this information, which I just received and I'm now reviewing...

I'll review this and get back shortly.

From: Strauss, Linda
Sent: Thursday, June 08, 2017 4:11 PM
To: Fuld, John <Fuld.John@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Blair, Susanna <Blair.Susanna@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Blunck, Christopher <Blunck.Chris@epa.gov>; D'Amico, Louis <DAmico.Louis@epa.gov>; Senn, John <Senn.John@epa.gov>; Hall, Renea <Hall.Renea@epa.gov>
Subject: press on Gen X

Toxin taints Cape Fear River south of Fayetteville Works

Fayetteville Observer-Jun 7, 2017

WILMINGTON — A **chemical** replacement for a key ingredient in Teflon ... Research has linked C8, the **chemical GenX** replaced, to risks for ...

Is CFPWA Drinking Water Tainted?

WHQR-Jun 7, 2017

Known commercially as **GenX**, the contaminating compound is made by ... or will never be tested, that we're basically living in a **chemical** soup.

WATER FAQs: What we know and what we don't know

StarNewsOnline.com-9 hours ago

Researchers sampled river water here in 2013 and found **GenX**, a **chemical** made at the Chemours Co., about 50 miles upriver. [STARNEWS ...

Companies react to study indicating presence of unregulated toxin ...

WECT-TV6-13 minutes ago

"The reason is that **GenX** is a water-loving **chemical**, which means it is very difficult to pull it out of the water. Also, the **chemical** bonds in the **GenX** compound are ...

Study: **GenX** precursors are likely still in your water

StarNewsOnline.com-3 hours ago

WILMINGTON -- A trio of Brunswick and New Hanover county utilities have found **chemicals** related to industrial contamination in their water, ...

From: Fuld, John

Sent: Thursday, June 08, 2017 3:34 PM

To: Strauss, Linda <Strauss.Linda@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>

Cc: Blair, Susanna <Blair.Susanna@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Blunck, Christopher <Blunck.Chris@epa.gov>; D'Amico, Louis <DAmico.Louis@epa.gov>; Senn, John <Senn.John@epa.gov>

Subject: RE: LIDA/OPPT: Gen X - Spectrum News - Possible Statement?

OW/OST has nothing to add.

John W. Fuld, Ph.D.

U.S. Media Relations Manager Office of Water

Environmental Protection Agency

1200 Constitution Ave

Washington DC 20460

Office: 202-564-8847

Cell: 202-815-6408

Fuld.john@epa.gov

From: Strauss, Linda
Sent: Thursday, June 08, 2017 3:20 PM
To: Maguire, Megan <Maguire.Megan@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Blair, Susanna <Blair.Susanna@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Blunck, Christopher <Blunck.Chris@epa.gov>; D'Amico, Louis <DAmico.Louis@epa.gov>; Senn, John <Senn.John@epa.gov>
Subject: RE: LIDA/OPPT: Gen X - Spectrum News - Possible Statement?

OK, John/OW, anything more? Megan/ORD, would we not say what the ORD/NERL water sampling showed? I'll check with OPPT.

I don't think the below answers the question.

Q: I wanted to see if EPA has released a statement regarding the findings of GenX and how serious it can be to the health of those drinking the water on a regular basis.

EPA received the chemical substance referred to as GenX as a new chemical notice from DuPont (which is now Chemours) in 2008. The substance is a perfluoroether derivative. EPA and the company signed a Consent Order in 2009 for the substance which required health and environmental testing, and also controlled worker exposures, environmental releases and the amount of impurities permissible in the final polymers. A Consent Order can require testing and restrictions as conditions. The Agency is analyzing the data it has received under the Consent Order. In its review of the GenX premanufacture submission, EPA determined that the chemical could be commercialized if there were no releases to water. Under the terms of the Consent Order, for operations in the United States, DuPont is required to recover and capture (destroy) or recycle the chemical from all the process wastewater effluent streams and air emissions (point source and fugitive) at an overall efficiency rate of 99% (i.e., 99% of the chemical can't be released into the environment). Further, under the terms of the Consent Order, Dupont may only distribute the chemical to those customers, such as manufacturers and processors, that can also achieve this percentage of efficiency or destruction. An important next step is verifying the source of GenX in water.

From: Lynn, Tricia
Sent: Thursday, June 08, 2017 11:01 AM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: FW: Possible Statement

Hi Robert—

Julia asked me to see if you can check with OCSPP to see if we've said anything about GenX in the past.

Thanks!

--Tricia

From: Douglas, Kendra M [mailto:Kendra.Douglas@charter.com]
Sent: Thursday, June 08, 2017 9:40 AM
To: Press <Press@epa.gov>
Cc: Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Possible Statement

Hi,

My name is Kendra Douglas and I am a reporter for Spectrum News. I am doing a story today on the chemicals found in CFPUA's water. I wanted to see if EPA has released a statement regarding the findings of GenX and how serious it can be to the health of those drinking the water on a regular basis.

Thanks and hope to hear from you soon.

Kendra Douglas, Spectrum News
(910)524-3928

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Document 2

Cody, Karen

From: Allenbach, Becky
Sent: Friday, June 16, 2017 2:30 PM
To: Diaz, Denisse; Davis, Molly; Horsey, Maurice; Banister, Beverly; Lapierre, Kenneth; Heard, Anne; Walker, Mary; Lincoln, Larry; Harris-Young, Dawn; Marraccini, Davina; Mundrick, Doug; Kemker, Carol; Gordon, Scott; Bush, William; Behl, Betsy; Doa, Maria; Denton, Loren; Burneson, Eric; Mclain, Jennifer; Henry, Tala
Cc: Hall, Renea; Campbell-Dunbar, Shawneille
Subject: Gen X CFPWA Resolution
Attachments: CFPWA 6.16.17 Resolution Chemours.pdf; CFPWA 6.16.17 Resolution DEQ.pdf

Please forward as appropriate. There are several asks for EPA as well as the state.

Mary, I will try to set up a meeting with our NPDES folks on Monday. I have already given them a heads up and they are engaging with the permit folks in NC

Becky B. Allenbach, Acting Deputy Director
Water Protection Division
EPA Region 4 - Atlanta
Office: 404-562-9687
Cell: 678-641-0032

From: Hall, Renea
Sent: Friday, June 16, 2017 2:13 PM
To: Allenbach, Becky <Allenbach.Becky@epa.gov>
Cc: Elliott, Richard <Elliott.Richard@epa.gov>; Campbell-Dunbar, Shawneille <Campbell-Dunbar.Shawneille@epa.gov>
Subject: CFPWA Resolution

For brevity, this order is requesting the following:

1. NPDES permit modification for daily sampling of all Chemours waste streams (Need to loop in Denisse)
2. More definitive health assessment to advise on safety (HQ's Health assessment update should help).
3. Ceasing all discharges until 1 and 2 are achieved.
4. Modify the PMNs until 1 and 2 are achieved.

From: Donna Pope <Donna.Pope@cfpua.org>
Sent: Friday, June 16, 2017 1:08 PM
To: Hall, Renea
Cc: George House <GHOUSE@brookspierce.com> (GHOUSE@brookspierce.com); Linda Miles; Jim Flechtner; Mike Brown
Subject: CFPWA

Dear Ms. Hall:

Attached please find two Resolutions approved by the Cape Fear Public Utility Authority in a special meeting today, June 16. Thank you for your assistance.

Respectfully,

Donna S. Pope
Clerk to the Board
CFPUA
235 Government Center Drive
Wilmington, NC 28403
910-332-6660

CAPE FEAR PUBLIC UTILITY AUTHORITY

RESOLUTION

Whereas Cape Fear Public Utility Authority (CFPUA) furnishes water for the City of Wilmington and sections of New Hanover County.

Whereas the Chemours Company ("Chemours") has informed the public that it is releasing fluorochemical compounds known as GenX into the Cape Fear River with its wastewater effluent at its manufacturing facility located in Fayetteville, North Carolina.

Whereas Chemours' renewal application for NPDES Permit NC0003573 dated April 27, 2016 did not disclose to the North Carolina Department of Environmental Quality ("DEQ") and the public that its effluent wastewater contained fluorochemical compounds and specifically those compounds known as GenX.

Whereas Chemours, the U.S. Environmental Protection Agency ("EPA") and the North Carolina Department of Health and Human Services ("DHHS") believe that there is some evidence that the fluorochemicals currently present in the Cape Fear River will not harm human health or the environment, none of these parties will say for certain.

Whereas CFPUA has reviewed the EPA's Consent Order ("Order") under the Toxic Substances Control Act signed January 26, 2009 allowing the manufacture of GenX in the United States.

Whereas the Order states: "EPA has concerns that these PMN substances will persist in the environment, could bio-accumulate, and be toxic ("PBT") to people, wild mammals and birds. EPA's concerns are based upon data on the PMN substances, analogy to other [] chemicals, and to perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonate ("PFOS") which are both currently under review by EPA for PBT concerns." And further, "EPA has human health concerns for the PMN substances."

Whereas the Order requires Chemours to "recover and capture (destroy) or recycle the PMN substances at an overall efficiency of 99% from all effluent process streams and the air emissions (point source and fugitive.)"

Whereas the EPA request certain studies be completed by Chemours for EPA's review to allow the EPA to determine at what level the chemical compounds known as GenX can be safely consumed, if at all, by the public.

Whereas the EPA has advised CFPUA that it has not completed those studies.

Whereas under the North Carolina Administrative Code which was adopted to implement the General Statutes of North Carolina, a "Discharge is the addition of any man induced-waste effluent either directly or indirectly to state surface waters." And an "Industrial Discharge" is "the discharge of industrial process treated wastewater". 15A NCAC 2B .0202 (25 and 36).

Whereas "deleterious substances" or "other wastes" are permitted to occur in the Cape Fear River in "only such amounts as *shall not* render the waters injurious to public health." 15A NCAC 2B .0211(12). Any greater amount would be an unlawful violation of a North Carolina surface water quality standard.

Whereas North Carolina water quality standards prohibit the discharge into the Cape Fear River at the location of the Chemours facility of any industrial wastes that “have an adverse effect on human health or that are not treated to the satisfaction of the [Environmental Management] Commission and in accordance with the requirements of the Division [of Water Resources].” 15A NCAC 2B.0216(3)(a). And, “[a]ny dischargers or industrial users subject to pretreatment standards may be required by the Commission to disclose all chemical constituents present or potentially present in their wastes and chemicals that could be spilled or be present in runoff from their facility which may have an adverse impact on downstream water supplies. These facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances.” *Id.*

Whereas the current version of NPDES Permit NC0003573 issued to Chemours by DEQ on October 28, 2015 provides for the permit to be modified or revoked and reissued to incorporate additional toxicity limitations and monitoring requirements “in the event *toxicity testing or other studies* conducted on the effluent or *receiving stream* indicate that detrimental effects *may be expected* in the receiving waters as a result of this discharge.” NPDES Permit No. NC0003573 at A.(5).

Whereas GenX is clearly persistent enough to travel miles from the Chemours manufacturing facility to the CFPWA drinking water intake.

Whereas the CFPWA wants to protect and will take such actions as are necessary to protect its water users from any harm.

Whereas EPA and DEQ have authority to take actions to protect the CFPWA’s water users and should promptly take all such actions.

Now, therefore, be it resolved:

1. CFPWA requests DEQ:
 - a. To immediately modify NPDES Permit NC0003573 to require daily sampling and testing of all waste streams leaving the Chemours manufacturing facility (including any affiliates or tenants discharging through the Chemours wastewater treatment plant) for all fluorochemicals, including those known as GenX, being discharged into the Cape Fear River from outfalls 001 and 002 ; and
 - b. To immediately consult with DHHS and determine whether the concentrations of the GenX compounds in the wastewater discharge to the Cape Fear River from the Chemours manufacturing facility are protective of human health, taking into account all relevant factors including, without limitation, toxicity, persistence in the environment, and bioaccumulation; and
 - c. To immediately modify NPDES Permit NC0003573 to prevent any discharge of the GenX compounds from the Chemours manufacturing facility wastewater treatment plant until paragraphs 1.a. and b. have been completed.
2. The CFPWA requests EPA determine whether Chemours has:

- a. For each month in which Chemours has discharged any amount of GenX to the Cape Fear River, continuously captured/destroyed 99% of GenX from its wastewater treatment plant effluent streams; and
 - b. Has established at its Fayetteville facility the necessary processes and procedures to ensure that 99% of GenX is being and will continue to be captured/destroyed from its wastewater treatment plant effluent streams.
3. CFPUA requests EPA immediately review the studies it has received from Chemours and any sampling it is aware of and determine immediately whether the concentrations of the GenX compounds in the wastewaters from the Chemours manufacturing facility wastewater treatment plant being discharged to the Cape Fear River are protective of human health, taking into account all relevant factors including, without limitation, toxicity, persistence in the environment, and bioaccumulation and to immediately modify PMN P-08-508 and P-08-509 to prevent the discharge of any fluorochemical compounds into the Cape Fear River until these determinations can be made.
4. CFPUA requests Chemours act responsibly and cease all discharges that contain fluorochemical compounds until DHHS and EPA determine what levels of concentration for each such compound being discharged can be safely discharged to protect human health and the environment.

This 16th day of June, 2017.



Michael C. Brown, III
Chairman of the Board

Attest:



C. Lawrence Sneed, Secretary



CAPE FEAR PUBLIC UTILITY AUTHORITY

RESOLUTION

WHEREAS, on June 16, 2017, the Cape Fear Public Utility Authority Board passed a resolution requesting that NCDEQ and EPA take certain actions regarding the Chemours manufacturing facility's wastewater treatment plant.

WHEREAS, the Board believes that these actions should be taken in a timely fashion.

NOW, THEREFORE, the Cape Fear Public Utility Authority authorizes its independent environmental counsel to take whatever actions deemed necessary to accomplish the objectives of the aforementioned resolution.

Adopted this, the 16th day of June, 2017.


Michael C. Brown, III, Chairman

Attest:


C. Lawrence Sneed, Jr., Secretary



Document 3

Cody, Karen

From: Allenbach, Becky
Sent: Friday, June 16, 2017 4:07 PM
To: Walker, Mary; Diaz, Denisse; Davis, Molly; Horsey, Maurice; Banister, Beverly; Lapierre, Kenneth; Heard, Anne; Walker, Mary; Lincoln, Larry; Harris-Young, Dawn; Marraccini, Davina; Mundrick, Doug; Kemker, Carol; Gordon, Scott; Bush, William; Behl, Betsy; Denton, Loren; Burneson, Eric; McLain, Jennifer; Pollins, Mark; Shinkman, Susan; Southerland, Elizabeth; Jenkins, Brandi; Jones-Johnson, Shea; Sullivan, Greg; Tucker, Marlene; Wise, Allison
Cc: Kemker, Carol; Banister, Beverly; Hall, Renea; Campbell-Dunbar, Shawneille; Horsey, Maurice; Davis, Molly; Diaz, Denisse
Subject: Updated Gen X briefing materials - ENFORCEMENT CONFIDENTIAL
Attachments: Chemours Briefing for Acting RA 061417 WPD Update 6-16-17 BBA.docx

We have updated the briefing sheet for the RA to include the most recent information. I did not include the recent request (Resolution) from the drinking water system, since I am not sure how the Agency plans to respond.

Becky

*Becky B. Allenbach, Acting Deputy Director
Water Protection Division
EPA Region 4 - Atlanta
Office: 404-562-9687
Cell: 678-641-0032*

Chemours Briefing for Acting RA
June 14, 2017 (Updated 6/16/17)

ISSUE: Two chemicals that are intended to replace PFOA/PFOS have been found in the Cape Fear River, which is the source for the Wilmington, NC drinking water system (the Cape Fear Public Utility Authority (CFPUA)). These two chemicals are unregulated under the SDWA. They are regulated under TSCA.

TOPIC: The objective of this briefing is to provide a status update on communications, inspection planning and next steps.

KEY ISSUES:

- The two chemicals of concern were detected in the Cape Fear River supply to the Wilmington, NC drinking water system.
- Citizens and Members of Congress are concerned about the exposure through drinking water
- OECA and OCSPP have requested that Region 4 conduct an inspection to determine compliance with the TSCA Order and OECA has offered assistance with the on-site inspection.
- Communications is a challenge. OCSPP, OECA and OW currently have the lead on coordinating communications.
- Has Chemours complied with the Order?
- Is the water safe or within an acceptable limit for human health?
- Will the EPA ask or have the authority to suspend the operations at Chemours until we know the risk?
- Can EPA ORD provide NC with analytical assistance?
- Does the Order allow compliance through averaging across the two facilities?
(This has since been answered by OCSPP and the answer is "no")

BACKGROUND:

Company	Chemours (formerly DuPont)
Locations	Fayetteville, NC Parkersburg, WV

Chemours manufactures two new chemicals under a TSCA Order issued January 2009. This order was issued to allow the company to commercially manufacture the two chemicals. The Order was issued after DuPont applied for a Pre-Manufacture Notice (PMN) in 2008. OCSPP issued the Order instead of a PMN. The initial risk assessment for the order looked only at occupational exposure, not oral. The Order has three general components requiring:

- Submission of risk and toxicological studies and test methods to OCSPP
- Worker safety measures, and
- 99% capture, removal, recycle, reuse or disposition of the two chemicals and the recordkeeping requirements.

ORD-NC State Cape Fear River Study

In 2007, ORD collected samples for legacy PFASs (PFOA and PFOS) contamination found in the Cape Fear River Watershed. In 2011-2012, ORD scientists learned that industries were going to shorter chain compounds as replacements for PFOA/PFOS. They conducted additional sampling and discovered 12 novel compounds around the Chemours facility. They presented this information at a SETAC meeting in 2014. In October 2016, ORD and NC State researchers published a study which expanded upon ORD's original research by including emerging PFAS compounds. This study found measurable PFAS levels in three drinking water systems; Pittsboro, Fayetteville and Cape Fear Public Utility Authority (CFPUA), based on samples collected in 2013-2014.

Samples (2013-2014)				
Public Water Systems with Legacy and Emerging Contaminants (based on Cape Fear River Watershed Study)				
#	PWS Name	Current Status	Type of PFAS Contaminant	Max Value (ppt)
1	Town of Pittsboro	Ongoing monitoring. PAC Filter installed	PFOS	346
2	Fayetteville	No system updates	PFHpA	85
3	Cape Fear Public Utility Authority	No system updates	Gen X	4,560

The first CFPUA-Wilmington intake is located 55.3-river miles downstream of the Chemours processing plant (in Fayetteville, NC). In this study, CFPUA is the only system that is downstream from the plant and the only public water system in this study to report measurable levels of GenX, with a mean concentration (631 ppt) and maximum recorded concentration (4560 ppt) in surface water. The study found negligible removal percentages of GenX and other PFAS, based on samples collected after each treatment process at the CFPUA Drinking Water Treatment Facility. The numerical values for GenX in finished water were not included in the publication; however, the researcher has agreed to forward this data. The NC Department of Human Health Services (NC DHHS) concluded in a statement released this week that the GenX levels reported in this study pose a low risk to human health, based on their comparison to a European study. Based on the recent Health Assessment meeting between EPA and NC, NC DHHS may feel it necessary to lower their threshold based on studies that the EPA is currently evaluating. EPA OCSPP committed to provide health screening levels or guidance to NC on 6/20/2017.

Chemours uses GenX technology as a newer processing aid that enables the production of high-performance fluoropolymers without the use of PFOA. GenX is a shorter chained compound and replacement for the legacy, long-chain PFOA contaminant. It has been stated to have a faster bioelimination process, lower bioaccumulation potential and more favorable toxicological profile than PFOA. Some preliminary studies suggest similar health effects similar to PFOA in laboratory animals; however, limited human health effect data exists. Since GenX is less

hydrophobic than PFOA, it's more difficult to remove from drinking water sources. The study confirmed that conventional technology processes minimally removed GenX during treatment; alternative treatment, such as reverse osmosis, is a more effective treatment technology.

- At the present time, the Region is not aware of any other systems that have GenX other than a Chemours facility in Region 3 (West Virginia) we understand uses what is manufactured in Fayetteville. We will confirm this with the company.
- Gen X was not part of the Unregulated Contaminant Monitoring Rule sampling for other PFASs during 2013-2015.
- There is no EPA Health Advisory for Gen X.

Actions that have been taken to date

- Initial inspection planning meeting
- Request to OCSPP for necessary information to conduct the inspection
- Coordination calls with OECA on the inspection
- Call with Wendy Cleland-Hamnet and Maria Doa on risk and communications
- Call with Region 3
- Multiple calls with NC DEQ
- Call with NC DEQ and local government representatives resulted in outstanding questions and action items:
 - Coordinate a discussion between the State and OCSPP on risk
 - Does TSCA have the authority to suspend manufacture of these chemicals until further evaluation of compliance is conducted?
 - Is Chemours complying with the Order?
 - How is compliance with the Order calculated across the two facilities?
- Call with ORD, including the scientist involved in the studies.
- Call between EPA OSCPP Risk Assessors and NC Risk Assessors at the Health Department and DEQ.

NEXT STEPS:

- Coordinate follow-up communications with HQ for Congressional, state and community interest
- Call with Chemours to prepare for inspection and heads up on information request that will be forthcoming
- Follow-up to outstanding questions and action items from call with NC DEQ and local government
- Complete inspection planning and conduct inspection (records review and site visit)
- Provide NC with information to put in a letter requesting the ability for us to share CBI data with them. The Administrator must approve this.
- Provide preliminary health assessment data from OSCPP, particularly oral exposure dosage.
- ORD will provide additional data used in their most recent study.
- Coordinate with DEQ on analysis of samples by ORD.

